

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**Clerk's Minutes**

**Before the Honorable Chief Judge William P. Johnson**

**Case No.:** CR 18-3475 WJ

**Date:** March 10, 2020

**Parties:** USA v. Robert Dunsworth

**Courtroom Clerk:** R. Garcia

**Court Reporter:** M. Loughran

**Interpreter:** N/A

**Type of Proceeding:** Hearing on Defendant's Motion to Suppress Evidence (Doc. 39).

**Place of Court:** Albuquerque

**Total time in Court:** 2 hours and 16 minutes

**Evidentiary Hearing:** YES

**Attorneys Present for Plaintiff(s):**

Thomas Outler

**Attorneys Present for Defendant(s):**

Irma Rivas

**Proceedings:**

9:38 Court in session; counsel enter appearances; Defendant present.

Mr. Outler addresses the Court; advises that he confused some of the officers actions in his brief to the Court; will submit a corrected brief if it will help the Court.

Mr. Outler calls retired APD Officer John Montoya as a witness; witness sworn.

Direct by Mr. Outler; plays Officer Montoya's lapel video for the Court; Mr. Outler moves for admittance of Exhibit 3 (Officer Montoya's lapel video); without objection, the Court admits Exhibit 3.

10:03 Cross examination by Ms. Rivas; Exhibits B, C and D (photos of mobile home) tendered to the witness and the Court; offered for admittance; without objection, the Court admits Exhibits B, C, and D; Ms. Rivas continues cross exam; witness referred to Exhibit A (Warrant).

10:18 Redirect by Mr. Outler.

10:19 Witness excused.

Mr. Outler calls retired APD Officer Charles Chavez as a witness; witness sworn.

Direct exam by Mr. Outler; Mr. Outler plays Officer Chavez's lapel video for the Court; offered for admittance; without objection, the Court admits Officer Chavez's lapel video.

10:47 Cross examination by Ms. Rivas.

10:51 Redirect by Mr. Outler.

10:53 Recross by Ms. Rivas; Ms. Rivas replays Officer Chavez's lapel video.

10:56 The Court questions the witness.

10:58 Witness excused.

Mr. Outler calls APD Officer Zakkry Foster as a witness; witness sworn.

Direct by Mr. Outler; Mr. Outler plays Officer Foster's lapel video; Mr. Outler continues direct.

11:26 Cross examination by Ms. Rivas.

11:33 The Court questions the witness.

11:36 Witness excused.

Mr. Outler advises there is no further evidence from the Government.

Final argument by Mr. Outler.

11:43 Final argument by Ms. Rivas.

11:52 Mr. Outler replies.

11:54 The Court will take the matter under advisement and issue a ruling by the end of the week.

Court in recess.

**WITNESS/EXHIBIT LIST**

		CR18-3475, USA v. Dunsworth
Plaintiff's Attorney: Thomas Outler	Defendant's Attorney: Irma Rivas	United States District Court District of New Mexico
		Trial Date(s): 3/10/2020
Presiding Judge: <b>William P. Johnson</b>	Court Reporter: M. Loughran	Courtroom Deputy: R. Garcia

Exh. No.	Witness	Date Off.	Obj.	Adm.	Description of Exhibits*
3	Officer Montoya				Officer Montoya's Lapel Video
B, C, and D	"	"		X	Photos of Mobile Home
	Officer Chavez	"		X	Officer Chavez's Lapel Video
	Officer Foster	"		X	Officer Foster's Lapel Video